

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**MARC MCCLURE,**

**Plaintiff,**

**vs.**

**IES COMMERCIAL, INC.,**

**Defendant.**

**8:19CV106**

**AMENDED  
CASE PROGRESSION ORDER**

This matter comes before the Court on the parties' Joint Motion for Extension of Case Progression Deadlines ([Filing No. 26](#)). After review of the parties' motion, the Court finds good cause to grant the requested extensions. Accordingly,

**IT IS ORDERED** that the Joint Motion for Extension of Case Progression Deadlines ([Filing No. 26](#)) is granted, and the final progression order is amended as follows:

- 1) The pretrial conference and trial in this matter are cancelled and will be reset at a later date.
- 2) The deadline for the Defendant to identify expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), is **March 27, 2020**.
- 3) The deadlines for complete expert disclosures<sup>1</sup> for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff:	<b>January 5, 2020</b>
For the defendant:	<b>March 27, 2020</b>
Plaintiff's rebuttal:	<b>April 30, 2020</b>

- 4) The deadline for completing written discovery under Rules 33, 34, and 36 of the Federal Rules of Civil Procedure is **June 30, 2020**. Motions to compel discovery under Rules 33, 34, and 36 must be filed by **July 14, 2020**.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

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<sup>1</sup> While treating medical and mental health care providers are generally not considered "specially retained experts," not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert's treatment records and reports must be separately and timely disclosed.

- 5) A status conference to discuss case progression and the parties' interest in settlement will be held with the undersigned magistrate judge on **Monday, July 20, 2020**, at **9:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 6) The deposition deadline is **October 23, 2020**.
- 7) A status conference to discuss dispositive motions, the pretrial conference and trial dates, and settlement status will be held with the undersigned magistrate judge on **Friday, October 30, 2020**, at **11:00 a.m.** by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 8) The deadline for filing motions to dismiss and motions for summary judgment is **November 20, 2020**.
- 9) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **January 31, 2021**.
- 10) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.
- 11) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 5<sup>th</sup> day of November, 2019.

BY THE COURT:

s/Michael D. Nelson  
United States Magistrate Judge